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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,892	08/31/2006	Antonino Cultraro	Q90028	3710
23373 7590 05/26/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER WILLIAMS, THOMAS J				
ART UNIT		PAPER NUMBER		
3657				
MAIL DATE		DELIVERY MODE		
05/26/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/550,892

**Applicant(s)**

CULTRARO, ANTONINO

**Examiner**

Thomas J. Williams

**Art Unit**

3657

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

1. Acknowledgment is made in the receipt of the amendment filed March 23, 2009.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,893,522 to Arakawa.

Re-claims 1 and 5, Arakawa discloses a device for slowing movement, comprising: a casing (interpreted as the combination of elements 4 and 7) defines a cylindrical chamber containing a viscous fluid 5 (the fluid is broadly interpreted as being contained within the chamber); a rotor 1 is housed within the chamber, the rotor includes a disc portion 11 fully immersed in the chamber and is adapted to rotate within the casing, a shaft 12 extends outwardly from the disc portion and through the casing, a surface associated with element 7 and a surface of the disc portion define a pair of opposing surfaces; a first surface (i.e. the surface of the disc portion) has a recess 16a for housing a pivotable arm element 8, the arm has a pin portion 8b projecting with respect to the first surface inwardly of the chamber; the second surface (i.e. the surface of element 7) has an elongate groove 9 extending concentrically with the shaft portion 12 of the rotor 1 and is engageable by the pin portion 8b, the groove 9 has a cam portion 10 dividing the groove into a return path and a forward path for the pin portion (see figure 10) to define a releasable lock position 10b.

Re-claim 2, the arm element is mounted on a pin 8a, the arm element is integrally formed with the casing, in that the entire assembly is integral and not easily separable.

Re-claim 3, the arm element pivots within the recess.

Re-claim 4, the arm element is one piece.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arakawa.

Arakawa fails to teach the first surface as the base surface of the chamber (i.e. the cover element 7, since a base surface is subjective) and the second surface is the lower surface of the disc portion. In short, Arakawa fails to teach the groove as part of the disc portion and the pin of the arm stationed in the casing surface, but rather teaches the opposite. It is the opinion of the examiner that the arrangement could easily be reversed, as warranted. As such it would have been obvious to one of ordinary skill in the art to have simply reversed the parts, or arrangement of Arakawa such that the groove would have been part of the disc portion, as this would have yielded the same expectant results, i.e. a rotary damper with a releasable lock position. With regards to reversal of parts see *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

6. Claims 1-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,660,881 to Komeya et al. in view of Arakawa.

Re-claims 1-6 and 9, Komeya et al. teach a device for slowing movement, comprising: a casing defining a cylindrical chamber containing a viscous fluid 83; a rotor having vanes 84, the rotor includes a disc portion fully immersed in the chamber and a shaft portion 92 extending axially from the center of the disc portion and protruding through one end of the casing, corresponding surfaces of the casing and the disc portion form opposing surfaces. However, Komeya et al. fail to teach at least one of the opposing surfaces having a recess for receiving a pin portion of a pivotable arm element and the other supporting the arm element.

Arakawa teaches a rotary damper having a rotor and casing with opposing surfaces, the damper further comprises a releasable lock feature, the releasable lock consists of a pivotable arm having pin portion engaging a grooved recess in one opposing surface and a support pin located the second opposing surface. This structure provides a position locking function for the rotary damper, thereby allowing the user to maintain a connected structure in an open position. It would have been obvious to one of ordinary skill in the art to have provided the rotary damper of Komeya et al. with a releasable locking feature of the type taught by Arakawa and as such the associated structure of the releasable lock (i.e. the groove, pin portion etc.), as this would have provided the damper of Komeya et al. with a releasable locking function.

In addition the placement of the grooves and pin support can be reversible, see paragraph 5. The remaining features of the arm structure are taught by Arakawa, see paragraph 3.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-6 and 9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

/Thomas J. Williams/  
Primary Examiner, Art Unit 3657

May 22, 2009

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Art Unit: 3657

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